

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

In Re:	*	Chapter 13
	*	
Jorge Alberto Castillo and wife,	*	
Margarita Esparza	*	
	*	
Debtor(s)	*	BANKRUPTCY NO. 19-31618

**MOTION TO SELL REAL PROPERTY  
AND 1<sup>st</sup> REQUEST FOR ADDITIONAL ATTORNEY'S FEES**

TO THE HONORABLE BANKRUPTCY JUDGE:

COMES NOW, Jorge Alberto Castillo and wife Margarita Esparza by and through their attorneys, EDGAR J. BORREGO/MIGUEL A. FLORES, and respectfully files this Motion to Sell Real Property and 1<sup>st</sup> Request for Additional Attorney's Fees and as grounds thereof, would respectfully show the Court as follows: •

I.

Debtor(s) filed a Chapter 13 case on September 30, 2019 and it was confirmed on March 26, 2020.

II.

Debtor(s) plan payments are \$200.00 per month for 60 months. Debtors would pay the Trustee an additional \$22,000.00 total from his tax refunds over the next five (5) years in the following manner: April 2020 in the amount of \$2,000.00, April 2021 in the amount of \$2,000.00, April 2022 in the amount of \$2,000.00 and April 2023 in the amount of \$2,000.00 and April 2024 in the amount of \$2,000.00. The plan base is \$22,000.00. The approximate percentage to the unsecured allowed claims at the time of filing was 7%.

III.

The legal description of Debtors' property to be sold is "BLK 313 TIERRA DEL ESTE #67 LOT 9, El Paso County, Texas." It is commonly known as 3316 PERUVIAN PASO DR, El Paso, Texas. Currently, the estimated balance owed to LoanCare is approximately \$89,508.43.

IV.

A Motion to Lift the Stay was filed April 1, 2020. Debtors entered an Agreed Order terminating the Automatic Stay on June 19, 2020 surrendering the property. This home is listed on Schedule A and Federal Exempted in Schedule C in their petition. The property is scheduled to foreclose on November 2, 2021.

V.

Debtor(s) has a Settlement Statement to sell the property with Texas Title Company East and the house is now in the process of selling. They received an offer on the property for \$120,000.00. (See Attached)

VI.

Debtor(s) request that the ad valorem taxes for year 2021 pertaining to the subject property shall be prorated in accordance with the Earnest Money Contract and shall become the responsibility of the Purchaser and the 2021 ad valorem tax lien shall be retained against the subject property until said taxes are paid in full.

VII.

The title company will be directed to send the Chapter 13 Trustee the net proceeds of \$25,963.56. Debtor will file a separate Motion for determination of these funds.

VIII.

1<sup>st</sup> REQUEST FOR ADDITIONAL ATTORNEY'S FEES

Debtor(s) counsel requests an additional \$400.00 fees for the preparation and prosecution of the Motion to Sell to be paid under the Chapter 13 plan.

IX.

Attached to this Motion is Exhibit "A" showing the form of proposed order.

WHEREFORE, PREMISES CONSIDERED, Debtor prays that after notice and hearing, the Motion to Sell Real Property and Determination of Funds and 1<sup>st</sup> Request for Additional Attorney's Fees as set out above be granted and for other relief they may show themselves entitled.

DATED on this the Oct 7, 2021.

Respectfully submitted,



Jorge Alberto Castillo



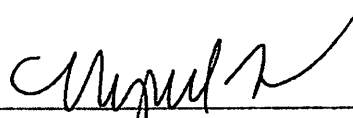
Margarita Esparza



EDGAR J. BORREGO, SBN 00787107  
MIGUEL A. FLORES, SBN 24036574  
Attorney for Debtor(s)  
2610 Montana Avenue  
El Paso, TX 79903  
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[efile@tanzyborrego.com](mailto:efile@tanzyborrego.com)

CERTIFICATE OF SERVICE

I certify that on 14<sup>th</sup> day of Oct, 2021 a true and correct copy of the above and foregoing was served upon the following parties via electronic means as listed on the court's ECF noticing system or by regular first class mail:



Edgar J. Borrego/Miguel Flores  
Tanzy & Borrego Law Offices P.L.L.C.

TB#39504/lr

Label Matrix for local noticing  
0542-3  
Case 19-31618-hcm  
Western District of Texas  
El Paso  
Thu Oct 7 17:28:27 CDT 2021

AT & T  
c/o Credence Resource Management  
17000 Dallas Parkway  
Suite 204  
Dallas, TX 75248-1940

Capital One  
c/o Portfolio Recovery Associates  
P.O. Box 41067  
Norfolk, VA 23541-1067

Chamizal Emergency Physicians  
c/o Phoenix Financial Services, LLC  
PO Box 361450  
Indianapolis, IN 46236-1450

Dillard's/Wells Fargo  
Attn: Bankruptcy Department  
P.O. Box 14517  
Des Moines, IA 50306-3517

Evolve Credit Union  
8840 Gazelle Dr.  
El Paso, TX 79925-5817

(p) INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

JC Penny/Synco  
c/o Portfolio Recovery Associates  
P.O. Box 41067  
Norfolk, VA 23541-1067

LoanCare  
c/o Marinosci Law Group, PC  
14643 Dallas Parkway  
Ste. 750  
Dallas, TX 75254-8884

Midland Funding LLC  
Po Box 2011  
Warren MI 48090-2011

U.S. BANKRUPTCY COURT  
511 E. San Antonio Ave., Rm. 444  
EL PASO, TX 79901-2417

Attorney General  
10th & Constitution N.W.  
Main Justice Bldg. #5111  
Washington, DC 20530-0001

Castle & Cooke Mortgage, LLC  
c/o LoanCare, LLC  
3637 Sentara Way  
Virginia Beach, VA 23452-4262

City of El Paso  
c/o Bradley S. Balderrama  
711 Navarro, Ste. 300  
San Antonio, TX 78205-1749

El Paso Imaging Consultants PLLC  
7100 Westwind Dr., Suite 130  
El Paso, TX 79912-1757

(p) US DEPT OF HOUSING AND URBAN DEVELOPMENT R  
MARCUS R PATTON  
OFFICE OF GENERAL COUNSEL  
801 CHERRY ST UNIT 45  
FT WORTH TX 76102-6882

Internal Revenue Service  
Special Procedures Staff- Insolvency  
P.O. Box 7346  
Philadelphia, PA 19101-7346

LoanCare  
c/o Marinosci & Baxter  
14643 Dallas Parkway  
Suite 750  
Dallas, TX 75254-8884

(p) DSNB MACY S  
CITIBANK  
1000 TECHNOLOGY DRIVE MS 777  
O FALLON MO 63368-2222

PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

AT & T  
Bankruptcy Department  
P.O. Box 769  
Arlington, TX 76004-0769

Capital One  
P.O. Box 30285  
Salt Lake City, UT 84130-0285

Chamizal Emergency Physicians  
P.O. BOX 98620  
Las Vegas, NV 89193-8620

Department Stores National Bank  
c/o Quantum3 Group LLC  
PO Box 657  
Kirkland, WA 98083-0657

El Paso Imaging Consultants PLLC  
c/o Collection Resources  
2700 1st Street North Suite 303  
Saint Cloud, MN 56303-4583

GECU  
P.O. Box 20998  
El Paso, TX 79998-0998

JC Penney/Synco  
Attn: Bankruptcy Dept  
P.O. Box 965060  
Orlando, FL 32896-5060

LoanCare  
P.O. Box 60509  
City of Industry, CA 91716-0509

Midland Funding LLC  
8875 Aero Dr.  
Suite 200  
San Diego, CA 92123-2255

(p) PERITUS PORTFOLIO SERVICES II LLC  
PO BOX 141419  
IRVING TX 75014-1419

(p)PERITUS PORTFOLIO SERVICES  
PO BOX 141419  
IRVING TX 75014-1419

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Progressive  
P.O. Box 650201  
Dallas, TX 75265-0201

Progressive  
c/o Credit Collection Services  
Two Wells Ave.  
Newton Center, MA 02459-3225

Providence Imaging Consultants  
P.O. Box 3180  
Indianapolis, IN 46206-3180

Providence Imaging Consultants  
c/o Action Revenue Recovery  
910 Bres Ave.  
Monroe, LA 71201-5955

Sam's Club/Synch  
Attn: Bankruptcy Dept.  
P.O. Box 965060  
Orlando, FL 32896-5060

Sam's Club/Synch  
c/o Midland Funding LLC  
8875 Aero Dr.  
Suite 200  
San Diego, CA 92123-2255

Santander Consumer USA  
P.O. Box 560284  
Dallas, TX 75356-0284

Santander Consumer USA  
c/o Wollemi Acquisitions LLC  
P.O. Box 165028  
Irving, TX 75016-5028

Synchrony Bank  
P.O. Box 960061  
Orlando, FL 32896-0061

Synchrony Bank  
c/o Portfolio Recovery Associates  
P.O. Box 41067  
Norfolk, VA 23541-1067

Tax Assessor/Collector  
P.O. Box 2992  
El Paso, TX 79999-2992

U.S. Attorney/FHA/HUD/IRS/VA  
601 N.W. Loop 410  
Suite 600  
San Antonio, TX 78216-5512

United States Trustee - EP12  
U.S. Trustee's Office  
615 E. Houston, Suite 533  
P.O. Box 1539  
San Antonio, TX 78295-1539

(p)VETERANS ADMINISTRATION  
PO BOX 11930  
ST PAUL MN 55111-0930

(p)VIVINT INC  
4931 N 300 W  
PROVO UT 84604-5816

Vivint  
c/o Perfection Collection, LLC  
313 E 1200 S Ste 102  
Orem, UT 84058-6910

Wollemi Acquisitions, LLC  
AIS Portfolio Services, LP  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

Wollemi Acquisitions, LLC by AIS Portfolio S  
P.O. Box 4138  
Houston, TX 77210-4138

evolve federal credit union  
8840 Gazelle  
El Paso, TX 79925-5817

Edgar Borregol  
Tanzky & Borrego Law Offices  
2610 Montana Avenue  
El Paso, TX 79903-3712

Jorge Alberto Castillo  
3316 Peruvian Paso Dr.  
El Paso, TX 79938-1012

Margarita Esparza  
3316 Peruvian Paso Dr.  
El Paso, TX 79938-1012

Miguel Flores1  
Tanzky & Borrego Law Offices  
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El Paso, TX 79903-3712

Miguel Flores2  
Tanzky & Borrego Law Offices  
2610 Montana Avenue  
El Paso, TX 79903-3712

Miguel Alejandro Flores  
Tanzky & Borrego Law Offices  
2610 Montana  
El Paso, TX 79903-3712

Stuart C. Cox  
El Paso Chapter 13 Trustee  
1760 N. Lee Trevino Dr.  
El Paso, TX 79936-4565

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

FHA/HUD  
451 7th Street S.W.  
Washington, DC 20410

Internal Revenue Service  
Special Procedures Branch  
300 E. 8th Street  
Stop 5022  
Austin, TX 78701

Macy's  
Attn: Bankruptcy Dept.  
P.O. Box 8053  
Madison, OH 45040

Pendrick Capital Partners, LLC  
Peritus Portfolio Services II, LLC  
PO BOX 141419  
IRVING, TX 75014-1419

Peritus Portfolio Services  
433 E Las Colinas Blvd.  
Irving, TX 75039

Portfolio Recovery Associates, LLC  
POB 41067  
Norfolk VA 23541

Veterans Administration  
Attn: Support Services Division (243)  
701 Clay Avenue  
Waco, TX 76799-0001

Vivint  
4931 North 300 West  
Provo, UT 84604

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Santander Consumer USA  
c/o AIS Portfolio Services, LLC

End of Label Matrix	
Mailable recipients	57
Bypassed recipients	1
Total	58